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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,491

06/25/2003

Donald E. Weder

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11/26/2007

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PO BOX 16370

OKLAHOMA CITY, OK 73113

EXAMINER

AHMAD, NASSER

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

11/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/603,491

Applicant(s)

WEDER, DONALD E.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 63-116 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 63-116 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Renumbering of claims Withdrawn

1. Applicant's argument is found to be persuasive regarding the renumbering of claims and as such the renumbered claims 66-119 has been corrected to the original numbering 63-119.

The instant Office Action will be directed to the claims as being numbered **63-119** as presented in amendment filed on 9/5/2007.

Rejection Withdrawn

2. Claims 66-69, 73-76, 80-83, 88, 90-91, 95-98, 101-103, 105-106, 110-113 and 117-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tellier (3788881) made in the Office Action of 3/9/2007 has been withdrawn in view of the amendment filed on 9/5/2007.

3. Claims 70-72, 77-79, 84-87, 89, 92-94, 96-98, 104, 107-109, 114-116, 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tellier in view of Magid made in the Office Action of 3/9/2007 has been withdrawn in view of the amendment filed on 9/5/2007.

Response to Arguments

4. Applicant's arguments with respect to new claims 66-119 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 63-66, 70-73, 77-80, 84-88, 92-95, 99-103, 107-110, 114-116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weder (5111613) in view of Matsumura (3834925).

Weder (for claims 63-66,) relates to a method comprising the steps of providing at least one sheet of flexible, laminated polymeric material (col. 1, lines 65-68) having an upper surface and a lower surface, wherein at least a portion of one of the upper and lower surfaces of the at least one sheet of laminated polymeric material is modified to provide such surface with a matte finish, wherein the matte finish is provided by printing or embossing with a matted ink or lacquering with a matted lacquer (col. 3, lines 64-68), the sheet of laminated polymeric material (col. 2, lines 62-68 teaches that the polymeric material is a laminate) comprising: at least one sheet of polymeric material; and at least one sheet of material laminated to one surface of the sheet of polymeric material, the at least one sheet of material being selected from the group consisting of a polymeric film (col. 2, line 64-68), a substantially water impervious polymeric film, paper, a metallized foil and combinations thereof. As shown in the drawings the customer wraps and secures the sheet about a flower pot to provide a decorative cover. However,

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Weder fails to teach that the matte finish is provided by matted ink or matted lacquer and the step of selling and delivering the at least one sheet of laminated polymeric material to a customer. Matsumura discloses a decorative sheet material wherein the decoration is provided by printing with matted ink (col. 2, lines 40-47). It would have been obvious to one having ordinary skill in the art to utilize Matsumura's teaching of providing a matte finish by printing with matted ink the laminated sheet material in the invention of Weder with the motivation to provide for decorative appeal and also modify Weder by providing the step of selling and delivering the sheet to a customer in order for it to be used such as a decorative material.

For claims 70, 77, 84, 99, 107, 114, Weder teaches that the presence of at least one further polymeric material (col. 2, lines 62-68).

For claims 71, 78, 85, 93, 100, 108, 115: the surface is treated with a bonding material (col. 2, lines 50-68, wherein the cited USP 4773182, incorporated by reference, includes bonding material disposed on at least one surface thereof) which enhances adherence to the surface.

Regarding claims 72, 79, 87, 94, 102, 109: the sheet, in Weder, is provided with a matte finish portion and a portion that has acrylic heat sealable lacquer (col. 2, lines 50-60, wherein the incorporated by reference USP'182 includes heat sealable acrylic lacquer).

As for claims 73, 80, 88, 92, 95, 103, 110, Weder includes embossing, printing, etc. that would provide for a matte finish.

For claim 86, 101, 116 the adhesive disclosed in Weder'182, which is incorporated by reference into Weder'613, can be a colored adhesive.

7. Claims 67-69, 74-76, 81-83, 89-91, 96-98, 104-106, 111-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weder in view of Matsumura and Magid (3560322).

Weder and Matsumura, as discussed above, fails to teach that the sheet is formed into a roll or a pad (claims 67-68, 74-75, 81-82, 89-90, 96-97, 104-105, 111-112). Magid discloses a sheet material wherein the polymeric material can include a plurality of sheets (11, 12) formed into a roll of material (figure-1) or a pad ((figures 4-6) for facilitating storage and transportation. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Magid's teaching of providing the polymeric sheet material in a roll or pad form in the invention of Weder with the motivation for facilitating storage and transportation of the sheet material.

For claims 69, 76, 83, 91, 98, 106, 113, one of the layers in Magid can be a foam (12, expanded layer) having a thickness as that of the plastic sheet (11), that is between 0.25 to 30 mils (col. 3, lines 5-10).

Response to Arguments

8. Applicant's arguments filed 9/5/2007 have been fully considered but they are not persuasive.

applicant's argument regarding the renumbering of the claims are persuasive and the claims have been correctly numbered as presented in the amendment filed on 9/5/2007.

With regards to applicant's argument about the Tellier reference, said arguments are deemed to be moot in view of the withdrawal of said reference in favor of the new grounds of rejection as discussed hereinabove.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

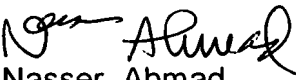
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-

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1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad
Primary Examiner
Art Unit 1794
11/20/07

N. Ahmad.
November 20, 2007.